

10/007,187

7.

REMARKS

Applicant's attorney has carefully reviewed the claims and has made a substantial effort to overcome the Examiner's objections as to the form of the claims. It is submitted the claims are now in acceptable form. However, he solicits the Examiner's further suggestions to clarify the claims.

The Examiner's rejection of the claims on the prior art was based on the position that while admitting that neither Jarvis nor Martinez show "the use of a socket portion in both 'socket forming and driver receiving parts' that have different size apertures in each" that the Gadberry or Bellows patents supply this deficiency. The Examiner is respectfully requested to reconsider this position for the following reasons.

First of all, all of the claims now require that there be a "ball member-forming part between the confronting inner ends of the driver member-receiving parts and that the driver member-receiving parts are designed to receive external driver member means in the non-circular sockets at the opposite longitudinal ends of the wrench. The Gadberry and Bellows wrenches with the bulky internal offset drive handles are not likely to be considered useable with such ball member-forming parts. Note that some claims positively recite the driver member means (see claims 15 and 16).

More importantly, the fact that the offset handle extensions of the Gadberry and Bellows constructions pass into internal apertures adjacent to the outer sockets of the wrench from the inner sides of these sockets make these constructions irrelevant to and really not combineable with any teaching of the Jarvis or Martinez patents unless one had knowledge beforehand of the disclosure of the subject application. It is submitted that references cannot be combined to reject claims unless the disclosures of the patents being combined in the absence of such knowledge would teach such a combination. It is submitted that there is no such teaching in the Martinez and Jarvis or the Bellows or Gadberry patents. It is also submitted that constructions and ~~mode~~ of operation of these two sets of patents combined by the

10/007,189

8.

Examiner to reject the claims are so diverse that this impermissible knowledge would be necessary to reject the claims on the basis of an alleged obvious combination of references.

It is to be noted that none of the references discloses a wrench where without any re-arrangement of parts the wrench is adapted to receive a drive member means from either end of the wrench "sized to be inserted into the open end of the associated larger output socket and then moved inwardly into the associated driver member means receiving bore". This is the feature which makes the present invention so commercially useful since the use of the invention can store a large choice of wrenches in a small space as shown in Figure 5 of the present application. Imagine the size and inconvenience of storing a similar choice of wrench sizes using the Bellows and Gadberry wrenches. Imagine the effort the user must make in re-assembling the Jarvis wrench to fit another sized adjustment nut. The Martinez wrench has similar disadvantages. If the present invention was so obvious over the teachings of these patents, you would expect that others would have before the Somer's invention designed their wrenches like those claimed.

Also it is noted that the depending claims add features also not disclosed or taught by this and other prior art (see especially claims 11 and 12).

For the above reasons, allowance of the claims is respectfully requested.

Respectfully submitted:

Russell E. Hattis,

s

ball member-receiving surfaces of the other of said parts; and

pivot-forming first and second means permitting the pivoting of said ball-forming end of said ball member-forming part in the ball-receiving bore involved at least in a plane which includes a longitudinal axis extending between ~~the~~ said outer ends of the wrench.

9. (Once amended previously)

The socket wrench-making parts of claim 8 wherein said pivot-forming first means is a pin extendable transversely through a slot in said ball-forming member, and said pivot-forming second means is said slot having an hour glass-shaped viewed in a longitudinal plane and a constant narrow shape of about the size of said pin viewed in a plane transverse to said axis, to permit rotation of one of said parts relative to the other of same in at least a longitudinal plane in the assembled wrench.

10. (Twice amended) The socket wrench-making parts of claim 9 where there is also provided a spring mountable in ~~[one of]~~ said ball-receiving bore ~~[member-forming part-receiving-bore]~~ between the ball-forming end of said ball-forming member and an interior wall of the drive member-receiving part involved ~~[at least one of]~~

interlock with an external driver member means sized to be inserted into the open end of the associated larger outer socket and then moved inwardly into the associated driver member-receiving bore where it interlocks with said left or right part involved so that rotation of the driver member will rotate the wrench and turn said element enveloped by said socket at the other end of the assembled

on said ball-forming end of said ball member-forming part in the ball-receiving bore involved at least in a plane which includes a longitudinal axis extending between ~~the~~ said outer ends of the wrench.

9. (Once amended previously)

The socket wrench-making parts of claim 8 wherein said pivot-forming first means is a pin extendable transversely through a slot in said ball-forming member, and said pivot-forming second means is said slot having an hour glass-shaped viewed in a longitudinal plane and a constant narrow shape of about the size of said pin viewed in a plane transverse to said axis, to permit rotation of one of said parts relative to the other of same in at least a longitudinal plane in the assembled wrench.

10. (Once amended) The socket wrench-making parts of claim 9